THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 1487 OF 2007

DATED: 29-01-2007

Between:

Smt. Oddeti Poshakka,
W/o. Mr. Bheemaiah, aged 60 years,
Occ: Coolie, R/o. Sirpur Town,
Adilabad District, A.P.

... Petitioner

And

The Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Land Acquisition Department,
Secretariat, Hyderabad and others

... Respondents

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ORDER:

Petitioner's grievance is that the third respondent has wrongly paid the compensation amount of Rs.4,48,950/- through a cheque dated nil-08-2005 to the 4th respondent, to the petitioner's detriment.

In 2002, land in an extent of Ac.13.08 in survey No.179 of Kannepalli village, Bhimini Mandal, Adilabad district was acquired on account of submergence due to the Erra Vagu project (later designated as Palvai Purshotham Rao Project). Petitioner laid a claim for compensation along with respondents 4 to 6, claiming to be the legal heir along with the said respondents of the original pattadar late Gadi Bheemaiah. On 12-05-2003 petitioner lodged her objections before the third respondent stating that respondents 4 to 6 have fraudulently assisted in the mutation of the name of Gandla Narayana in the revenue

records without her knowledge and she is equally entitled for the share in the compensation amount. According to the petitioner, in the apportionment statement under Section 11 of the Land Acquisition Act, 1894(for brevity 'the Act') the Sub-Collector, Asifabad had mentioned that the compensation amount in respect of the acquisition of this portion of the land is to be in "civil deposit". Contrary to the said proceedings, the third respondent has drawn up and tendered a cheque for an amount of Rs.4,48,950/- on 11-08-2005 in favour of the 4th respondent, is the complaint.

When a person is aggrieved inter alia as to the determination of the persons to whom the amount of compensation is payable or as to the apportionment of the compensation among the persons interested with reference to the award passed, such a person is at liberty to seek a reference to Court under Section 18 of the Act. Such disputed claims to apportionment of compensation are more properly determined by the reference Court under Section 18 of the Act. In the context to the availability of a specific statutory remedy, no case is made out for interference under Article 226 of the Constitution.

In the aforesaid analysis, writ petition is dismissed at the stage of admission. Petitioner is at liberty to pursue the statutory remedy. There shall however be no order as to costs.

GODA RAGHURAM, J.

Dt: 29-01-2007
Rns